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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,290	04/27/2000	KAORU SUZUKI	450101-02043	7187
20999	7590	03/18/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MCLEAN MAYO, KIMBERLY N	
			ART UNIT	PAPER NUMBER
			2187	
DATE MAILED: 03/18/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/530,290	SUZUKI, KAORU
	Examiner	Art Unit
	Kimberly N. McLean-Mayo	2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 December 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 4-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. The enclosed detailed action is in response to the Amendment submitted on December 18, 2003.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-8, 11, 14-15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuzumi (USPN: 5,845,066) in view of Kawaguchi (USPN: 5,557,771).

Regarding claims 1, 8 and 15, Fukuzumi disclose a first storage region from which data can be read and into which data can be written, in accordance with instructions made by a user (Figure 1, Reference 3; C 5, L 14-15); a second storage region from which data can be read and into which data can be written by a data processing apparatus, the second storage region having a user-use table prohibition table (data stored in Reference 4 in Figure 1) which is normally inaccessible to the user and which has a plurality of addresses of data items in which one address designates an associated special user block (the locations in the attribute memory are addressable by an address, [which constitutes the plurality of addresses], wherein the designated address is the input address for access to a memory location and wherein the accessed location is the special user block), storing password (C 5, L 22-23; C 8, L 50-60; C 9, L 14-19) or the information concerning the

copyright of the data stored in the first storage region. Fukuzumi does not disclose the user-use prohibition table comprising an address designating a defective location in the memory apparatus. However, Kawaguchi discloses storing an address of a defective location (address aB in Reference 82 and Reference 83 in Figure 15; a defective location is a location containing defective data) in a prohibition table (Reference 80 in Figure 15) in a memory apparatus (C 11, L 41-67), wherein the user or the data processing apparatus is prohibited from accessing said one or more defective locations contained in the user-use prohibition table (C 11, L 57-64; the defective locations are substituted by non-defective locations immediately when any access to a defective location is interrupted immediately when  $R' = 1$  and  $W' = 1$  in Figure 6) and thus the data processing apparatus or the user are prohibited from accessing the one or more defective locations). This feature taught by Kawaguchi provides an efficient means to provide proper processing of defective locations, which should not be accessed to provide accuracy of data. Fukuzumi does not provide a means for indicating or processing defective locations and thus one of ordinary skill in the art would have recognized the benefits of Kawaguchi's teachings and would have been motivated to use Kawaguchi's teachings with the system taught by Fukuzumi for the desirable purpose of efficiency and accuracy.

Regarding claim 2, Fukuzumi discloses the first and second storage elements composed of nonvolatile memory (C 5, L 14-17).

Regarding claim 7, Fukuzumi discloses memory apparatus further comprising a read-only storage region storing address data of the second storage region (C 5, L 35-38).

Regarding claims 11 and 18, Fukuzumi discloses designating the second storage region of the memory apparatus upon receipt of instructions for writing data into the second storage region of the memory apparatus or reading the data from the second storage region, thereby writing the data into the second storage region or reading the data from the second storage region (C 11, entire; C 12, entire; C 13, entire; C 14, L 1-1-35).

Regarding claims 14 and 21, Fukuzumi discloses receiving instructions to read password data from the second storage region when the user makes instructions to write data into the memory apparatus or read data from the memory apparatus, thereby reading the password data from the second storage region, or writing data into the first storage region of the memory apparatus or reading data from the first storage region when the password data read from the second storage region coincides with the password data input by the user (occurs when an access to the common memory region is attempted; C 8, L 66-67; C 9, entire; C 10, entire).

Regarding claims 4-6, Fukuzumi and Kawaguchi disclose the limitations cited above, however, Fukuzumi and Kawaguchi do not disclose storing copyright data concerning the data stored in the first storage region, storing a use history of the memory apparatus in the second storage region nor storing quality history in the second storage region. The system taught by Fukuzumi and Kawaguchi discloses storing sensitive data (password data) in the second storage region wherein access to the region is limited for certain operations. Clearly, this feature would be desirable for any data of a sensitive nature to

prevent contamination of the data. Therefore, it would have been obvious to one of ordinary skill in the art to use the teachings of Fukuzumi and Kawaguchi with data, such as copyright data, memory history usage and quality history, wherein the data would be stored in an access limited region of memory for the desirable purpose of security and accuracy of data.

4. Claims 9-10, 12-13, 16-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuzumi (USPN: 5,606,315) in view of Kawaguchi (USPN: 5,557,771) as applied to claims 8 and 15 above and further in view of Estrakhri (USPN: 6,125,435).

Regarding claims 9-10, 12-13, 16-17 and 19-20, Fukuzumi and Kawaguchi disclose the limitations cited above, however, Fukuzumi and Kawaguchi do not explicitly disclose the data processing apparatus referring to a conversion table showing a physical address of the first storage region of the memory apparatus and data to be written into the first storage region or logic address of the data written in the first storage region, thereby writing the data into the first storage region or reading the data from the first storage region, wherein the data to be written is managed in units of files and the data processing apparatus designates a logic address of data from the data to be written into the first storage region of the memory apparatus or from the file name of the data written in the first storage region and refers to the conversion table, thereby writing the data into the first storage region or reading the data from the first storage region. Fukuzumi and Kawaguchi do not disclose the details involved in reading or writing the nonvolatile memory. Estrakhri discloses the above features (Abstract; C 6, L 46-60; C 7, L 66-67; C

8, L 1-65). Additionally, it is conventional in the art to manage nonvolatile memory efficiently as described above. Although, not stated in the system taught by Fukuzumi and Kawaguchi, it is evident that there is some form of memory management in the system. It would have been obvious to one of ordinary skill in the art to manage the nonvolatile memory in the system taught by Fukuzumi and Kawaguchi with the features described above for the desirable purpose of efficiency.

*Response to Arguments*

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

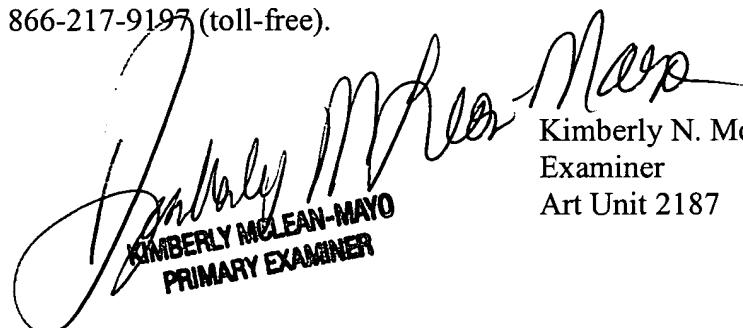
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean-Mayo whose telephone number is 703-308-9592. The examiner can normally be reached on M-F (9:00 - 6:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 703-308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KNM

March 16, 2004



A handwritten signature in black ink, appearing to read "Kimberly McLean-Mayo". Below the signature, the text "KIMBERLY MCLEAN-MAYO" is printed in a bold, sans-serif font, and "PRIMARY EXAMINER" is printed in a smaller, all-caps font directly beneath it.

Kimberly N. McLean-Mayo  
Examiner  
Art Unit 2187